

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HEZEKIAH ESAU BAKER,

Plaintiff,

vs.

DRAGON MOTEL, *et al.*,

Defendants.

Case No.: 2:23-cv-01751-GMN-DJA

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 4), of United States Magistrate Judge Daniel J. Albregts, which recommends dismissing this case without prejudice due to Plaintiff’s failure to file an amended complaint by the ordered January 8, 2024, deadline.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objection was filed, and the deadline to do so has passed. (*See* R&R, ECF No.

1 4) (setting March 20, 2024, deadline for objections). Plaintiff did file an Amended Complaint
2 on March 19, 2024, (*See* First Am. Compl., ECF No. 5), but Plaintiff filed it more than two
3 months after the January 8, 2024, deadline. Even if the Court were to construe the Amended
4 Complaint as an Objection, Plaintiff provides no explanation or reasoning as to why his
5 Amended Complaint was filed more than two months late.

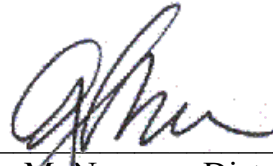
6 Accordingly,

7 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 4), is
8 **ACCEPTED and ADOPTED** in full.

9 **IT IS FURTHER ORDERED** that the case is **DISMISSED** without prejudice.

10 The Clerk of Court is kindly instructed to close the case and mail this Order to Plaintiff.

11 Dated this 25 day of March, 2024.

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15 Gloria M. Navarro, District Judge
16 United States District Court
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